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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) No. CR-08-00353-001 DLJ
11)
12 vs.) Plaintiff,) STIPULATION AND [REDACTED]
13)) ORDER REGARDING SENTENCE
DEANDRE MARQUIS BILLY MILLARD,) REDUCTION UNDER U.S.S.G. §
14)) 1B1.10(b)(1) (AS AMENDED BY 750,
Defendant.) PARTS A & C)

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16 **IT IS HEREBY STIPULATED AND AGREED**, by and between the parties acting
through their respective counsel, that:

17 1. The defendant is making an unopposed motion for a modification of his sentence
18 pursuant to 18 U.S.C. § 3582(c)(2).

19 2. Defendant's original guideline calculation was as follows:

20 Total Offense Level: 27

21 Criminal History Category: IV

22 Guideline Range: 100-125 months

23 Mandatory Minimum: 60 months

24 3. Defendant was sentenced to 120 months imprisonment on January 23, 2009.

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- 1 4. According to the Bureau of Prisons, defendant's current projected release date is April 4,
- 2 2017..
- 3 5. Effective November, 1, 2011, defendant is eligible for a modification of his sentence
- 4 pursuant to 18 U.S.C. § 3582(c), USSG § 1B1.10(b)(1), and Amendment 750, Parts A
- 5 and C, of the United States Sentencing Guidelines Manual.
- 6 6. Defendant's revised guideline calculation is as follows:
7 Total Offense Level: 25
8 Criminal History Category: IV
9 Guideline Range: 84-105 months
- 10 7. The parties have no reason to dispute the Reduction of Sentence Report submitted to the
- 11 Court by the probation office.
- 12 8. Based upon the foregoing, the parties hereby stipulate that the Court may enter an order
- 13 reducing defendant's sentence to 101 months.
- 14 9. The parties further stipulate that all other aspects of the original judgment order including
- 15 the length of term of supervised release, all conditions of supervision, fines, restitution,
- 16 and special assessment remain as previously imposed.
- 17 10. Defendant stipulates that he waives and does not request a hearing in this matter pursuant
- 18 to Fed. R. Crim. P. 43, 18 U.S.C § 3582(c)(2); *United States v. Booker*, 543 U.S. 220
- 19 (2005) and *Kimbrough v. United States*, 128 S.Ct. 558 (2007).
- 20 11. Defendant waives his right to appeal the district court's sentence.
- 21 12. Accordingly, the parties agree that an amended judgment may be entered by the Court in
- 22 accordance with this stipulation pursuant to 18 U.S.C. § 3582(c) and USSG §
- 23 1B1.10(b)(1), Amendment 750, Parts A and C, of the Sentencing Commission Guidelines
- 24 Manual. The parties agree that a proposed amended judgment will be submitted to the
- 25 Court by the probation office, along with the Sentencing Reduction Investigation Report.
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1 IT IS SO STIPULATED:

2 /s/

3 Date: March 6, 2012

4 MICHAEL P. THORMAN
Attorney for defendant

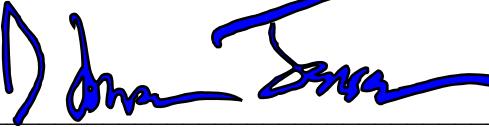
5 Date: March 6, 2012

6 BRIAN J. STRETCH
7 Assistant United States Attorney

8 [] ORDER

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10 Upon consideration of the stipulation submitted by the parties, it is hereby ORDERED
11 that the defendant's sentence is reduced to 101 months; and it is further ORDERED that all
12 original conditions of supervision, fines, restitution, and special assessment remain as previously
13 imposed.

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15 Date: 1~~0~~J~~0~~G

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D. LOWELL JENSEN
United States District Judge

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